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MESSAGE

OF

DE WITT CLINTON,

TO THE

LEGISLATURE

OF THE

STATE OF NEW-YORK,

JANUARY, 1825.

NEW-YORK:

PRINTED AND SOLD BY G. F. HOPKINS,

No. 48 Pine-street.

1825.

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MESSAGE.

Fellow-Citizens of the Senate, and of the Assembly,

Our devout thanks are due to Almighty God, for the signal blessings conferred on our country. The wise policy pursued by the National Government in cherishing our resources, in diminishing our debt, and in cultivating peace with all the world, has elevated our character abroad, and confirmed our prosperity at home. It is gratifying to perceive the greatest maritime Power in Europe, with which we are closely connected by commerce and communication, has adopted a similar pacific policy; and that the unhallowed conspiracies in the old world against the liberties of mankind, can find no means of support and aggression on this side of the Atlantic.

Nor has our National Government, while cherishing peace, been unmindful of the exigencies of war. A comprehensive and valuable system of coast defence has been digested, and is in a train of successful developement. Fortifications, in the most vulnerable points, have been erected. The War Department has undergone a thorough and comprehensive re-organization, adapted at once to the economy of a peace, and the expansive requirements of a war establishment. Ordnance, arms, and other munitions, have been provided, and a system adopted of steady and progressive accumulation. An institution for military education, under the superintendence of scientific and talented men, is in a flourishing condition; and our youth are not only instructed in war, but acquire that information, which renders them useful in cultivating the arts of peace. Our navy, at once the glory and the palladium of our country, is in a state of prosperous augmentation; and our gallant and hardy seamen are increasing their nautical skill, protecting our commerce, and maintaining the honour of our flag in every sea.

These views naturally spring from contemplating the situation of our country and of Europe; and on the present occasion are ex-

hibited in obedience to that mandate of the constitution, which requires from the Executive periodical information of the condition of the community. As a member of the confederacy, we have a vital interest in the prosperity of the whole, and necessarily participate in the common lot.

But when we look nearer home, and examine the condition of the state, without reference to its federal relations, we have equal reason for gratitude to the Dispenser of all good. Our elementary schools, and our literary institutions, are prosperous beyond all former experience: the lights of religion and knowledge have increased: agriculture, commerce, manufactures, navigation, and the useful arts, are in a state of unprecedented activity and successful employment. The excitements and animosities which have hitherto rent us asunder, degraded our character, and impaired our ability for doing good, are yielding to a spirit of moderation and conciliation. And it is to be hoped that in future the great subject of competition, and the great prize of ambition will be confined to a distinguished career of public spirit, unalloyed by the debasing influence of faction, which, in seeking its own gratification, by the elevation of a part, generally overlooks the prosperity of the whole. Our civil and political institutions are derived from the wisdom, and exist in the will of the people, the source of all rightful authority, and of all legitimate sovereignty. Conceiving it to be the sacred duty of public servants, entrusted with power and authority by the people, to consult the wishes as well as the interests of their constituents, it is my earnest desire, and shall be my favourite object, to recommend that course, and to pursue that policy which may prove the most gratifying to the community, and the most auspicious to the great interests of the state. And in selecting persons for offices of power, trust, and emolument, it will be my aim to look for capacity, integrity, patriotic zeal, and public services. The times are auspicious to the healing of those dissentions, which have so long interfered with our general happiness, and so greatly diminished the just consideration of the state in the councils of the nation. As far as in my power, I shall be happy to embrace this auspicious occasion, and make every proper effort to promote internal peace and tranquillity. Having been elected to office, not by a party, but by the people, it is my ardent wish to cast myself upon their candor and judgment, to meet their scrutiny, to consult their will, and to promote their happiness. And I shall always be solicitous to cultivate a good understanding with the co-ordinate authorities, and to produce an harmonious union of effort for the public good.

To establish a just responsibility in the Executive, as has been done in the legislative department, it appears to me that provision ought to be made for the publication of the journals of the Senate, in relation to their executive functions. The people ought, in all cases, to know the official acts of their agents: And as the appointing power is, at all times, an important trust, and liable to great abuse, there ought to be no veil drawn over its exercise; but the

nominations of the Governor, and the vote of each Senator on the acceptance or rejection of such nominations, should be distinctly understood by the people.

In 1820, while administering the government, I solicited the attention of the legislature to the importance of passing a law by which the people could exercise their suffrages in the choice of electors of President and Vice-President of the United States. The whole body of events connected with this subject speak an admonitory language, and demonstrate that the enaction of such a law is anxiously desired by the people, and that it is enjoined by a just regard for their rights, and by the dictates of true policy. Whenever the people can enjoy the direct exercise of power themselves, no intermediate bodies should be interposed; and an unnecessary resort to delegated authority, too frequently leads to an abuse of power, a prostration of principle, and a total disregard of the public will. It is sincerely to be desired that the constitution of the United States could be so altered as to provide for a uniform mode of choosing electors throughout the Union. In such case, the system by districts would, no doubt, be most judicious. But while the mode is not uniform, sound policy seems to require that the choice should be left to the people by general ticket, and in the most simple and popular shape. When the right of suffrage is generally diffused, and those who exercise the elective franchise vote by a general ticket, and the greatest or highest number constitutes an election, power is brought to the people in the most gratifying and unexceptionable manner. Ever since the political existence of this state, all our elections have been conducted on the principle of the highest number of votes, in the whole state, for Governor and Lieutenant-Governor; in districts, for Senators and Representatives in Congress; in counties, for members of Assembly, and now for Sheriffs and Clerks; and in towns, for supervisors, assessors, clerks, collectors, and constables; and no inconvenience has resulted. I therefore earnestly and respectfully recommend the passing of a law committing the choice of electors to the people by a general ticket, and by the greatest number of votes, as a proceeding required by the sovereign authority of the state, and by every consideration which ought to govern the conduct of its legislature. The statute recently passed, submitting the mode of choice to the sense of the community, at the next annual election, does not interfere essentially with this measure; and if it did, it ought not to retard or prevent its immediate consummation. The voice of the people on this subject has been audibly expressed, and it was certainly a work of supererogation to resort to this process, the tendency of which will be to perplex a question sufficiently plain, and universally understood, to postpone a due atonement to the violated majesty of the people, and to exclude you from the merit of performing this great duty.

In attending to the election of the chief magistrate of the nation, let us not overlook subjects of subordinate consideration, but cer-

tainly of great consequence to the welfare and good order in society.

By the constitution a complex mode of choosing justices of the peace, through the instrumentality of the supervisors of towns, and judges of the county courts, is established. As this system has been found inexpedient in its operation, and exceptionable in all its important bearings, I recommend such an alteration, through the forms of the constitution, as shall bring the choice of these magistrates directly home to the people in their primary assemblies. They are certainly much better judges of the claims and qualifications of their local magistrates, than persons at a distance, and they have stronger inducements to make good selections.

It is also submitted to your consideration whether it would not render the minor courts more respectable, and promote good order, if the respective towns were authorized in their discretion to provide buildings for their sittings.

As connected generally with these important topics, permit me to request your attention to a more accurate definition, a more liberal extension, and a more secure enjoyment of the elective franchise. Without the right of suffrage, liberty cannot exist. It is the vital principle of representative government, and it ought therefore to be effectually fortified against accident, design, or corruption. The qualifications prescribed by the constitution, for the exercise of this invaluable privilege, are full age, citizenship, residence for designated time, payment of an assessed tax, to the state or county, or exemption from taxation, or performance of militia duty within the year, armed and equipped according to law, assessment within the year, to labour upon the public highways, and performance of the labour or payment of an equivalent. This arrangement excludes a great body of citizens from the elective franchise. And a few simple illustrations will show its complexity and its liability to fraud and injustice.

In 1818, the state tax was two mills on the dollar: since that time it has been reduced to half a mill on the dollar; and in a short period there will probably be no necessity for any general tax. If this should be the case, and the finances of all or any of the counties be equally prosperous, there would evidently be a disfranchisement of all those who are not taxed, unless they had performed military duty or wrought on the roads. In the same manner, householders and freeholders may be deprived of the right of suffrage, even although citizens, residents, and of full age. The rights of a citizen ought not to be held at the pleasure of others, but should be fixed and unchangeable. But in both these cases if the assessor should not assess, the collector not receive, the militia not be called out, or the roadmaster neglect his duty, there would be a deprivation of the elective franchise. The labour of a day on the highway, or the payment of a petty commutation; the attendance of a day at a military parade, or the payment of a tax, however meritorious in themselves, certainly do not furnish such

high evidence of public services by the agents, as to justify a monopoly of the elective franchise; and such I am persuaded is not the wish of that respectable portion of the community—I therefore submit to your consideration, whether the constitution ought not to be so modified, as to render citizenship, full age, and competent residence, the only requisite qualifications.

In thus improving our social institutions, it is pleasing to contemplate their benign influence on individual happiness and general prosperity; and to feel assured that a republican government may be transmitted in full purity and vigour to the remotest period of time. Even the troubled democracies of Greece and Italy, with all their deprecated vices, were preferable to the hateful tyrannies that surrounded them. The former were sometimes relieved by ennobling virtues; but the latter were always engulfed in hopeless debasement. Now that the representative system is well understood, and its capacity to unite liberty and power by federal combinations has been successfully tried, it will be our own fault if its duration prove not as permanent as its blessings are inestimable. In all governments, whether republican or monarchcial, free or despotic, cupidity and ambition will address themselves to the sovereign authority for gratification. In free states, these applications will of course be made to the people, who confer either directly or indirectly the honours and emoluments of office; and hence the excitements which arise from the operations of these passions as well as real differences of opinion. But with all these evils, republics still exhibit a decided superiority. Their agitations and attendant mischiefs, are more diffused and more feeble. And the people who feel their influence have, generally speaking, no inducement to act wrong. It is their interest as well as their duty to select meritorious officers, and to establish a wholesome administration. The vices of faction, intrigue, falsehood, dissimulation, and corruption, are rendered more intensely profligate by their concentration round the person of the monarch. His interest and that of his favourites too often become distinct from that of the community, and the general welfare is merged in personal gratifications. A republican government is certainly most congenial with the nature, most propitious to the welfare, and most conducive to the dignity of our species. Man becomes degraded in proportion as he loses the right of self-government. Every effort ought therefore to be made to fortify our free institutions; and the great bulwark of security is to be found in education—the culture of the heart and the head—the diffusion of knowledge, piety, and morality. A virtuous and enlightened man can never submit to degradation; and a virtuous and enlightened people will never breathe in the atmosphere of slavery. Upon education we must therefore rely for the purity, the preservation, and the perpetuation of republican government. In this sacred cause we cannot exercise too much liberality. It is identified with our best interests in this world, and with our best destinies in the world to come.—

Much indeed has been done, and we have only to cast our eyes over the state, and rejoice in the harvest which it has already yielded. But much more remains and ought to be done: and the following statement is exhibited with a view to animate you to greater exertion.

The number of children taught in our common schools during the last year, exceeds 400,000, and is probably more than one fourth of our whole population. Ten thousand three hundred and eighty-three have been instructed in the Free and Charity Schools in the city of New-York,—a number by no means proportioned to the wants of its population. The students in the incorporated academies amount to about 2,683, and in the colleges to 755.

The fund of the common schools may be stated at upwards of 1,739,000 dollars; and its annual income at 98,000 dollars, to which may be added the interest on the future sales of lands, and on the disposal of escheated property, the proceeds of which latter item may be added to the capital.

However imposing this fund may appear, it is sufficiently obvious that it ought to be augmented. This state is capable of supporting fourteen millions of inhabitants. This appropriation will therefore soon be found far behind the progress of population and the requisitions for instruction.

Deeply impressed with the momentous nature of this department of our social policy to the cardinal interests of the state, I cannot withhold one important fact derived from past experience. Of the many thousands who have been instructed in our free schools in the city of New-York, there is not a solitary instance known of any one having been convicted of crimes. In furtherance of this invaluable system, I recommend to your consideration the education of competent teachers on the monitorial plan, its more general introduction, and the distribution of useful books.

While our primary schools cannot be too numerous, our highest seminaries ought to be very limited in number. The creation of a college imposes the duty of endowing it. We have now four colleges for literary and scientific instruction, and two for medical education. They are all under the superintendence of highly gifted and enlightened men, and are eminently entitled to your liberal patronage. But until the government shall see fit to augment the funds of existing institutions to the full extent of their wants, I am persuaded that there ought to be no increase; and not even then, unless peremptorily required by the exigencies of education. Perhaps indeed in a case of so much importance, the authority of the Regents of the University ought to be only recommendatory, and the incorporating power exclusively vested in the Legislature, as a more safe depository than a single body, as a source from whence munificent endowments must emanate, and as most conformable to the spirit, if not the letter, of the constitution.

Our institutions for the promotion of knowledge are numerous, useful, and deserving of liberal encouragement. In various cities and villages, societies for the cultivation of natural science and phi-

losophy, of antiquarian and historical research, and of general knowledge, have been founded; and are calculated to develope our resources, to accumulate useful facts, and to advance the great interests of society. In the promotion of medical knowledge, so essential to the preservation of health and life, the College of physicians and surgeons have continued their career of distinguished usefulness. Some of the county medical societies are entitled to great praise for simultaneous efforts. For all these institutions, your fostering care is earnestly solicited.

Added to these, the State medical society, which has been in beneficial operation for the last eighteen years, and which assembles every year at the seat of government, would be enabled, by a small annual appropriation, to realize to the most valuable extent, the high expectations which are so justly entertained of its disposition and ability to extend the benefits of the healing art.

The great object of a good government is to secure the greatest happiness of the greatest number under its care. For this purpose, those arts and pursuits which minister to the sustenance and comfort of man, elevate his character, and excite his virtues and talents into activity, must be cherished with a solicitude proportioned to the importance of the end to be attained, and to the means of accomplishment. Four-fifths of our population are cultivators of the soil. On agriculture we must depend as the main source of our welfare. Its natural connexion with manufactures, trade, commerce, navigation, and the useful arts, is well understood; and the united influence of these great departments of human industry, constitutes the wealth, the power, and the prosperity of nations.

An act was passed in 1819, for the encouragement of agriculture, which will expire during the present session. This state possesses every physical advantage for a great system of agriculture—a fertile and various soil; easy, cheap, and rapid means of transportation; great markets at home, and contiguity to the ocean, that opens to us the markets of the world. These are some of the features that strike at the slightest glance. And must it not be admitted that agriculture, either as a science or an art, is far from being cultivated with that ardent and successful spirit due to its importance? The most profitable mode of preparing the soil; the most economical and fertilizing applications; the most expedient rotation of crops; the various kinds of grain, plants, fruits, and trees, best adapted to our soil and climate; the domestic animals most productive of solid advantage; the best system of plantation to supply the consumption of timber and fuel,—all these and similar subjects open a field of inquiry and research of momentous interest, and demand the animating and invigorating encouragement of the state. We have an intercourse with every region of the globe, and can easily procure seed, plants, animals, and labour-saving machines—and we can hold such communion with the scientific associations of Europe, connected with the various branches of husbandry, as will be productive of the most useful results.

The experiment instituted for the encouragement of agriculture,

although but of short duration, labouring under much opposition, and conducted in some cases injudiciously, has been generally useful, and in some counties has been eminently successful. I submit therefore to you to determine, whether it would not be wise to continue this system under such modifications as you may deem advisable. And I do this under a full persuasion that you will never overlook any measure conducive to the prosperity of so cardinal an interest, and connected with the honour of the state.

As horticulture is an important department of agriculture, I have great pleasure in informing you that the incorporated Horticultural society, established for some years in the city of New-York, has been productive of great good, by increasing and improving our fruit and esculent vegetables. Another association has also been formed; and these laudable institutions having recently established an union, I anticipate still greater benefits from their consolidated efforts. Founded upon the plan of the great Horticultural Society of London, and blending the contributions of experience with the researches of philosophy, they deserve the most liberal encouragement.

As it is one of the chief designs of a good government to cultivate the resources of a state, it becomes of primary importance to know with accuracy what constitutes those resources. The wisest states have pursued a defective policy in this respect, by neglecting to ascertain their own powers and faculties. Statistical surveys will easily accomplish this desirable object; let in a flood of light on the science of political philosophy, and open a wide field for the most useful and practical operations. By the constitution, a census is to take place during the present year. Important statistical inquiries may be blended with this object, which will evolve many momentous facts, and diminish the labour and expense of the general survey. Periodical returns of marriages, births, and deaths, would greatly enhance the value of this information.

The useful arts, connected as they are with the comforts and conveniences of life, deserve at all times the fostering care of government. In a community where labour is high, and in constant demand, where the genius of the people is prolific in inventions of vast value, and where every new discovery that diminishes manual labour, becomes of immediate consequence, it seems wise to hold forth such rewards as may stimulate ingenuity and indemnify expense. The National Government, under existing laws, can do but little: and even when letters patent are granted, their validity is too frequently drawn into question, with all the cost and vexation incident to litigation. Would it not be sound policy to reward with liberality, the authors of such inventions as produce a saving of labour in agriculture and mechanical pursuits, and improve the quality and augment the quantity of our products and fabrics? It is perceived with much satisfaction, that the encouragement already dispensed has had the most propitious influence in every direction, on the advancement of household and domestic manufactures. Many articles of exquisite workmanship have been

presented at our fairs and exhibitions, greatly creditable to those who furnished and those who encouraged them.

The Mechanic and Scientific Institution of New-York has been established for the purpose of diffusing the benefits of science throughout the various mechanical professions, by means of lectures, apparatus, models, books, and public exhibitions of works of ingenuity, skill, and industry. The usefulness of this association would be greatly enhanced by the erection of an edifice adequate for its purposes: and it is believed that an appropriate site may be concurrently granted by the state and the city of New-York without inconvenience to either, from contiguous property in that city belonging to both, and now unoccupied. As this is the first organized school of the kind in the world, and is destined to increase the skill and elevate the character of our mechanic interest, by applying philosophy to the arts, and imparting the benefits of science to that most useful body of our fellow-citizens, its claims upon the public bounty will not escape your favourable attention.

The Erie canal, (which is the longest in the world, and which, in conjunction with the Champlain canal, and the contemplated communications with lake Ontario, and the minor lakes, will produce the most extensive and important inland navigation ever witnessed,) would have been finished last season, had it not been for the intervention of unexpected impediments. It is, however, so near to its completion as to render it necessary to form a permanent system for the preservation of the canals, for the collection of the revenue, for the extinguishment of the debt, and for a vigilant superintendence both of their particular concerns and of their general interests. A plan ought to be adopted, combining economy with efficiency, and having regard to future as well as present operations. I consider these works, as but the first, in a series of great undertakings. We must, however, pursue our objects with prudence as well as with energy, in every stage of our progress, looking for support to the wisdom and patriotism of the people. And it is a source of high felicitation to know that the debt may be speedily satisfied without resorting to taxation, without discon tinuing our efforts for similar improvements, and without staying the dispensing hand of government in favour of the great departments of education, literature, and science, or the cardinal interests of productive industry.

A board for the promotion of Internal Improvements, composed of well informed citizens, ought to be constituted, with authority to consider and report on all subjects relative to the establishment of communications by land and by water, by roads, railways, canals, bridges, and water courses, and with a general superintending power over their construction. All applications and proposals on such subjects, would, of course, receive the full consideration of the board before they were accepted by the legislature; and would be carried into execution in accordance with the exigency of the case, the importance of the object, and the ability of the state. The field of operation is immense, and the harvest of honour and profit

is unbounded: and if our resources are wisely applied and forcibly directed, all proper demands for important avenues of communication, may be answered in due time, and in ample extent.

The primary design of our artificial navigation, is to open a route by canals between the Atlantic Ocean and the Great Lakes. The Erie and Champlain canals will in a great measure accomplish this object: but it will not be fully realized until the waters of Lake Ontario shall be connected with the Erie canal and with Lake Champlain. The importance of this design will be duly appreciated, when it is understood that the lake coast, not only of this state, but of the United States, is more extensive than the sea coast.

The next leading object is to unite the minor lakes, and the secondary rivers with the canals; to form a junction between important rivers, and to produce such a connexion between the bays on the sea coast, as will insure the safety of our boat navigation in time of peace against the tempests of the ocean, and in time of war against the depredations of the enemy.

A canal between the St. Lawrence river and Lake Champlain, would be attended with important benefits, by opening a valuable market within our own territory, and by affording an equivalent for the privation of a free use of that river. Duties have been imposed on our productions sent to Canada; and it is believed that the British government have declined a negotiation respecting the free navigation of the St. Lawrence. That we have by the law of nations, a right of free transit to the ocean through that river, I entertain no doubt; and I am inclined to believe that we are entitled to an entrepôt or place of safe deposite for our commodities destined to the ocean through that channel.

Although these points are not properly within the sphere of our deliberations, yet they ought to be known, because they affect the rights and interests of our fellow citizens; and in knowing them, we may apply for redress to the constitutional organ. How far it may be advisable for the United States, in case a satisfactory arrangement cannot be made, to impose countervailing duties on the products of Canada on their transit through our territory, down the St. Lawrence, is a subject on which the National Government will undoubtedly bestow wise consideration.

The contemplated canal between that river and Lake Champlain, would relieve the northern inhabitants of this state, from the embarrassments of a foreign market. A survey of this route has recently been made under the authority of the state, and the only formidable impediment is an intervening elevation of upwards of 900 feet. This may perhaps be surmounted by locks or inclined planes; and there is said to be an abundance of water on the summit-level. —Where this ridge passes into the British dominions, there is an abrupt descent, and the level country below presents an easy passage for a canal. Perhaps an adequate portion of this territory may be obtained by negotiation, either by conceding our alleged exclusive right on a certain part of the St. Lawrence, or by making some arrangement in relation to the disputed territory on the

north-east angle of the United States.—But at all events, and under any circumstances, a communication between the Erie canal and Lake Ontario, by the way of Oswego, ought to receive your decided countenance, and to be made as soon as practicable. It will greatly augment our revenue, and open profitable markets to our industrious and enterprising citizens residing within the reach of that lake and its tributary waters. The provision heretofore made in this respect, is neither adequate as to funds nor as to prompt execution.

To unite in the most accommodating manner the waters of the Seneca, Cayuga, and Canandaigua lakes, and such of the secondary lakes as may be deemed expedient with the Erie canal, is also an object of great importance. A connexion too is desirable between the Delaware and the Hudson; between the upper waters of the Alleghany, Susquehannah, and Genesee rivers; between the Erie canal and the Susquehannah along the valley of the Chenango river; between the Susquehannah and the Seneca lake; between the Erie canal at Buffalo, and the Alleghany river at its confluence with Conewango creek; between Black river and the Erie canal: and between Gravesend Bay, Jamaica Bay, Great South Bay, and Southampton Bay, and across Canoe place to South-hold Bay, on Long-Island. Other eligible communications might be indicated; but these are sufficient to evince the expediency of constituting a board with general powers, in relation to Internal Improvements.

All these works must emanate from the authority of the state; but many of them will doubtless be undertaken without any demand on the treasury, in consequence of encouraging grants. Of this nature is the connexion proposed to be made by a company between the Delaware and Hudson—a project highly deserving of public countenance. The canal on the south side of Long-Island would perhaps be constructed under a similar grant. Considering that these sections of the state are necessarily excluded from an immediate participation in the benefits of the canals already made, I derive a peculiar gratification from the liberality manifested by the legislature in the one case, and shall be happy to see it extended to the other.

The proposed connexion between the Seneca lake and the Chemung or Tioga branch of the Susquehannah, will not exceed twenty miles; and that lake is open for navigation during the whole year. This canal will open our salt and gypsum to the extensive region connected with the Susquehannah, and a numerous body of our citizens will find a market for their productions in Philadelphia and Baltimore, as well as in New-York. This multiplication of markets will be beneficial to the agricultural interest, is in consonance with the dictates of sound policy, and can only be opposed by sectional and monopolizing views.

In addition to this it may be stated, that there is an inexhaustible quantity of bituminous coal on the head waters of the Tioga river, which is now sold at the mines for two cents per bushel, and which can be transported on flats to Newtown, in Tioga county. It is

represented to be of a superior quality, and similar to the Liverpool coal of commerce; and it is supposed to occupy that extensive region from Wheeling, to that part of the state near the head of Seneca lake. And should the proposed communication be made, it may be transported to Albany by water.

Some canals will undoubtedly be accomplished by individual enterprise; some will require partial assistance; and others must depend entirely on public munificence. But all can, with proper exertion, be executed in due time, and in accordance with the growth of the state, the exigencies of society, and the inevitable evolution of our resources. The Erie canal, besides completion at its western termination, will require in time some important additions. These will consist in double locks and towing paths to accelerate the passage of the boats. When new bridges shall be required, a much greater elevation ought to be given to the road bridges, and the farm bridges ought to be formed on a retractile plan.

The Champlain canal enters the Hudson at Fort Edward, and the navigation is continued for several miles down that river. The comparative advantages of natural and artificial navigation, are thus fairly tested and fully contrasted; and the delay, expense, and vexation of the former channel of conveyance, are found so harassing, that it has become essential to substitute a canal, and initiatory proceedings have been had for that purpose, under the sanction of the legislature, which will, I trust, be consummated immediately. The Champlain canal opens a vast expanse for inland trade and public accommodation. Its revenue, when compared with that of the Erie canal, will be at least in the ratio of its extent. The region which borders on lake Champlain, abounds with rich iron ore, convertible into the best iron, which, with excellent steel, is now manufactured successfully by enterprising individuals. Calcareous substances of all and the best kinds, from marble to building stone, lumber, the products of the dairy, of the soil, and of manufactures, are also in great plenty; in return for which, that region has occasion for salt, gypsum, and various commercial accommodations.

It is also necessary that prompt and effectual provision should be made to remedy the embarrassments attending the sloop navigation on the upper parts of the Hudson. Different plans have been proposed for the attainment of this important object, and among others the improvement of the natural navigation by removing the present obstructions, by joining different islands, and increasing the velocity of the current. It is now in a great measure ascertained to be most profitable to make transhipments from canal boats to river vessels. The importance of this measure is therefore identified with the well being of our artificial, as well as of our natural navigation; and I am persuaded that you will not shrink from these operations on account of the presumed expense. In all judicious undertakings of this kind faithfully conducted there will be an excess of benefit. Money applied at home in useful improvements, is to be regarded as an instrument of circulation, not a privation of wealth, nor an extinguishment of capital.

When private property is applied to public uses, the compensation to the owner ought to be prompt and ample. There is reason to apprehend that this has not been done in many cases connected with the canals, and that great complaints have been made, and considerable losses sustained in consequence of such omission. As the law now stands, appraisements for such appropriations must be made by two of the acting canal commissioners. If the supreme court should set any aside, as they are authorized to do, on just and equitable principles, it seems reasonable and proper that the new assessments, under these circumstances, should be submitted to a tribunal which had not passed upon the question. I recommend the whole of this subject to your early attention.

The debt due on account of canals and the subsidiary works, is $7,467,770 99, of which $4,524,270 99 bear an interest of five per cent. and the residue an interest of six per cent. making an aggregate annual interest of $375,823 55. The revenue from the tolls the present year, will exceed $310,000, and the duties on salt, $100,000, which, with the sources of income belonging to the canal fund, will, in all probability, produce an excess of revenue above the interest of the canal debt, of near $300,000. Should any discrepancy appear between this statement and the annual report of the comptroller, it will be only apparent, his having reference to the fiscal, and this to the natural year.

It is believed that next year the revenue will be nearly doubled, if the Erie canal arrives to the lake in due season; and its progressive expansion will be commensurate with the prosperity of the state and the growth of our country. From these data, a just estimate may be made of the rapid operation of a judicious sinking fund in extinguishing the whole debt, and of the prospective fiscal resources of the state.

It is estimated that 10,000 boats have passed at the junction of the Erie and Champlain canals, within the last season. Boats with commodities, proceed at the rate of 55 miles in 24 hours; and boats with passengers near 100 miles in the same time. As late as the 15th of December, a boat laden with merchandise, arrived at Utica from Albany.

Internal trade is most flourishing when its profits are small, and its returns quick; and this desirable effect is produced by the brisk circulation of commodities through canals. An important recommendation of this communication is the facility which it affords to emigration and change of habitation; its conveyance of bulky articles which are forbidden to land transportation; the cheapness, safety, and certainty of travelling, and its consequent increase. Hence the promotion of rapid settlement and concentrated population. All these propitious circumstances go to establish the permanency and magnitude of the income to be derived from our canals, and to demonstrate the superior profit of judicious investments in them. The advantages of a condensed over a scattered population, proceed from furnishing great markets for sale and purchase; from extending the operations of ingenuity and skill;

from expanding the sphere of employment by subdividing the exertions, and augmenting the productive power of labour, and by concentrating great capitals subservient to all the purposes of life. In producing extensive markets, in communicating the benefits of a dense to a spare population, and in destroying the inconveniences of distance, canals may be emphatically designated as the great labour-saving machines of internal commerce.

For almost all purposes, the city of Detroit will, on the completion of the Erie canal, be brought within a hundred miles of the city of Albany. Already have we witnessed the creative power of these communications in the flourishing villages which have sprung up or been extended, in the increase of our towns, and above all in the prosperity of the city of New-York. If, as it is said, upwards of 3,000 houses have been built in that city during the last year, it is highly probable that in fifteen years its population will be double, and that in less than thirty years, it will be the third city in point of numbers in the civilized world, and the second, if not the first in point of commerce. Nor is there any danger of a re-action. After cities reach a certain elevation of opulence and prosperity, they appear to possess a self-multiplying, self-augmenting power. But independently of this consideration, the external as well as the internal causes of the opulence and extent of New-York will continue in full operation and with additional power; and in proportion as its supplies increase, it will furnish augmented means of consumption at home, and of attraction to customers from abroad. How emphatically then does it behoove us, in the contemplation and enjoyment of these abundant blessings, to remember that we derive them all from the great Fountain of Benevolence.

I cannot refrain, upon this occasion, from congratulating you and our country on the propitious spirit which is generally diffused through the other states in favour of Internal Improvements. The state of Ohio has now under consideration a stupendous project for uniting the Ohio river with Lake Erie, which may justly be considered a prolongation or continuance of our Erie canal, and which will connect the Hudson with the Missisippi, and convert a most important portion of the United States into one vast island. I shall welcome the commencement, and hail the consummation of that work, as among the most auspicious events in our history. It will open to our trade the luxuriant valley of the Missisippi and its auxiliary rivers. It will immeasurably enhance the value and usefulness of our works, concentrate the commerce of the East and West in our great emporium, and bind the Union together by indissoluble ties. The state of Ohio is distinguished for fertility of soil, benignity of climate, moral power, and prospective resources. The revenue from the canals will pay, in a reasonable time, the interest of the sum expended for its completion, and form a large surplus applicable to the speedy extinguishment of the debt; and there can be no doubt but that the necessary funds may be procured in this state on easy and satisfactory terms.

I cannot pass over in silence, the attempt which has been recently made to bring the boats navigating our canals within the operation of the statutes for regulating the coasting trade of the United States, by requiring from such boats enrolment and license, and the payment of tonage duties. The canals are the property of the state, are within the jurisdiction of the state, have been constructed by the state, and can be destroyed by the state. They have been made at its expense after the General Government had refused all participation and assistance. It cannot well be perceived how the regulation of commerce "with foreign nations, and among the several states, or with the Indian tribes," can authorize an interference with vessels prosecuting an inland trade through artificial channels. The coasting trade is entirely distinct from a trade through our canals, which no state in the Union nor the General Government itself, has a right to enjoy without our consent.

The consequences of such assumptions would be, if carried into effect, to annihilate our revenue arising from tolls, to produce the most oppressive measures, to destroy the whole system of Internal Improvements, and to prostrate the authority of the state governments. A just exposition of the laws of the United States cannot authorize their application to such cases. But if a different interpretation should prevail, then it becomes a very serious question indeed whether the state can enforce its laws imposing tolls. The Supreme Court of the United States has solemnly adjudged that a coasting license from a collector is a grant of the right of navigation. If so, and that right being derived from a law of Congress, it will be contended that it cannot be prohibited, nor controlled by any state law. The right, to be complete, must be enjoyed without restraint. The state cannot demand a toll as the price of the enjoyment of such a right, if it has not the power to prohibit such enjoyment altogether.

It may be further remarked that the power to regulate commerce among the states, under which the act regulating the coasting trade was passed, is held by that high tribunal to be exclusively in Congress. If so, and if that act or any other act which Congress may pass under that power, can be applied to the canals, it would follow as a consequence that our laws imposing tolls, are void from the beginning. The state has no power to adopt them, and in this view of the subject, it would seem to be immaterial whether any license be taken out under the act of Congress or not.

The Supreme Court has also declared that the power to regulate commerce includes a power to regulate navigation as one of the means of carrying on commerce. The same remark may be made with equal force, concerning any kind of transportation whether by land or water, the power to regulate commerce applying to the one as well as to the other. If Congress can declare that a boat passing between different parts of the same district within the same state, shall take a license, why can it not direct that a wagon shall take one under similar circumstances? When we shall have arrived at

this point, we may begin to have some adequate notion of the extent to which this claim may be carried.

I shall say no more on this subject at this time. I will not entertain a doubt but that the National Government will command the abandonment of a claim so unfounded and pernicious; and I am persuaded that it has been preferred without due reflection, and without instructions from superior authority. But if this course shall not be pursued, it will then be your duty to take that stand which the rights and safety of the people imperiously demand.

The considerations which grow out of this occasion, and the complaints which have been made in different states about alleged encroachments of the National Government on their constitutional powers, point to the most formidable dangers that can menace the stability of the Union and the welfare of our country. Without a General Government, we shall neither have union at home, nor respect abroad. We shall be arrayed into separate confederacies, or exist as insulated states, maintaining large standing armies, wasting our resources in intestine wars, the dupes of foreign intrigue, and the victims of civil discord. Without state authorities, there can be no civil liberty, and no good government; for it is utterly impossible that so extensive a country can be bound together unless as a confederation, or a military despotism. Every true friend of America will strive to maintain these respective authorities in full purity and vigour, without detracting from the powers of the one to add to those of the other, nor extending the faculties of either beyond their legitimate dimensions. Each possesses a portion of the delegated authority of the people, and each is supreme within the sphere of its constitutional powers. The apprehensions entertained by some of our distinguished statesmen at the formation of the National Constitution have entirely failed; and instead of the predominance of a controlling power in the states, the centripetal force of the General Government has had perhaps too great a preponderance. The officers of the latter exceed those of the former in rank, power, number, and emolument: its patronage is commensurate with its superior resources; and it touches in its relations and ramifications every chord of ambition, presents the most spacious theatre for the display of great talents, and for the gratification of lofty aspirations It also possesses a decided advantage over the state governments in the arrangement of its judicial authority. In all controversies relative to the due exercise of their powers, this department of the National Government is a tribunal of dernier resort, without any amenability to the people, or the states, with a compensation that cannot be diminished, under a tenure that will endure for life, and with no other responsibility than liability to impeachment for high crimes and misdemeanours, under which any decisions however erroneous, can never be classed, because an error of judgment can never be adjudged a crime.

Natural justice prescribes that no man should be a judge in his own cause, and that between contending sovereignties neither should

pronounce the law of the case. A new tribunal ought to be constituted, to decide upon the power of the national and state governments, and to keep them within legitimate boundaries. I know of none that can be formed with a character so imposing, with a responsibility so imperative, and with a position so dignified as the Senate of the United States. Composed of the most distinguished and talented men of the several states; its decisions would be formed with integrity and ability, and received with respectful acquiescence. As a co-ordinate branch of Congress, and as a component part of the executive power, it would be a safe guardian of the just authority of the National Government; and as a representation of the states with a periodical change of members, it would be their natural and efficient protector against unconstitutional invasions. In these suggestions, I have not the most distant intention of violating the habitual respect which I entertain for the supreme judiciary of the Union.

A judicious policy will dispense as far as possible an equal participation of the benefits of cheap and rapid communication. Those regions which are most distant from our navigable establishments, ought to enjoy equivalent facilities by roads and bridges. The southern tier of counties, commencing with Chatauque, and extending eastward, come generally under this description. In all cases of this kind, roads ought to be made from the interior counties to the market towns on the Hudson, and other navigable waters, to the canals, to the parallel and great lakes, and to all other places where the conveniences of transportation are affected. It is of great consequence to construct a state road from some point on the Hudson river, to the head of Cayuga lake, nearly central between the line of the Erie canal on the one side, and the Pennsylvania line on the other. Such an avenue of requisite solidity, of adequate width, and smooth and even surface, would afford great and valuable facilities. The distance would be about 150 miles, and each end of the road would furnish good markets to an important region of the state now remote, and in a great degree sequestered. Whenever this is the case, trade is in some degree managed by barter or exchange, as a substitute for circulating medium. The impositions and errors that necessarily result from negotiations transacted without a certain standard of value, are injurious to morals and social harmony. It ought not to be forgotten, that during four months of the year, when our navigation is obstructed by ice, it is peculiarly requisite that our highways should be maintained in good condition.

A report on the Cayuga marshes will be made to you by one of our most able civil engineers. And if it should prove favourable to the practicability of the contemplated enterprise, the obvious utility will be recognised in promoting the public health, and in reclaiming a considerable portion of our most fertile lands, now unfit for cultivation.

I beg leave to call your attention to our salt works in Onondaga

county. By proper regulation and management, the whole country may be supplied with this indispensable article, at the cheapest rate, and a revenue of half a million of dollars, may, in a few years, accrue to the state. A board of commissioners instituted to make the necessary investigations, and to recommend the most eligible system, is a measure well worthy your attention.

The erection of wharves and other accommodations for trade on our navigable lakes, will be promoted by investing the commissioners of the land-offices with the like powers in this case, as in that of grants under the waters of navigable rivers, to the proprietors of the adjacent lands.

I intended to submit to you some observations on our Penitentiary system; but I understood that a board composed of intelligent men have been charged by the legislature to consider this subject, and that their report will in due time be presented to you. I shall therefore only say that a classification of offenders, separate dormitories, solitary confinement, and steady labour, are essential to the success of this system, and that it may be so administered as to afford the means of its own support without any expense to the state. Whenever the pardoning power has been extended too far, whether in consequence of recommendations proceeding from the most benevolent feelings in some instances, or from the crowded state of the prisons, the usefulness of the Penitentiary system has been impaired. It is your duty to provide the means for executing the laws, and it is my duty to see them executed. And I shall certainly exercise the prerogative of mercy with a view only to the legitimate objects of punishment, the reformation of offenders, and the prevention of crimes.

A House of Refuge for the reformation of juvenile delinquents has been established by a benevolent association in the city of New-York. Its objects are to rescue them from destruction by disciplining them in virtuous and industrious habits: and a full statement of the views and concerns of this excellent institution will in due season be made to you. Of a kin to this establishment, and with a preventive as well as a remedial tendency, is the Orphan Asylum in that city, under the auspices of females of distinguished benevolence. It takes under its protection children who have been left in an orphan state, and trains them up in the paths of virtue and usefulness. The Lunatic Asylum has participated largely in the bounty of the state, is well managed, and may be justly classed among our most important charities. Another unfortunate description of human beings, the deaf and dumb, are committed to the instruction of a laudable institution incorporated in the city of New-York, which will apply to you for a renewal and modification of the statute passed in 1822, to promote the education of the indigent deaf and dumb within the state. That act provides for four pupils from each senatorial district, and authorizes their support from the state treasury. Twenty-seven are now in the school as state pupils; but there are between thirty and forty applicants who cannot be received from districts that have

the prescribed compliment, and vacant districts cannot be filled from other districts. It is desirable to augment the number to six from each district, and to allow vacancies to be supplied from other districts, when there are no applicants. A society for the same purpose, denominated the Central Institution, was incorporated in 1823, and established at Canajoharie. Of its condition I have no specific information. When the census is taken, it will be useful to have an enumeration of the deaf and dumb, designating their sexes, ages and circumstances. Information of their ages is desirable, because the only docile objects are those between ten and twenty-five years of age: and a knowledge of their means of support is necessary, in order to ascertain the needful extent of public charity. This has, I believe, been done in some states. In Ohio the number was found to be 423.

An enumeration of insane persons should also be taken, arranging them under the heads of criminal, pauper, and in good circumstances. The criminal lunatics in Great Britain, are composed of those who are committed under the statute, against disorderly persons, and of another class for which I believe no provision has been made in our code; and which ought to be attended to. If on the trial of a person charged with treason, murder, or felony in that country, a defence of insanity is set up, and if the jury acquit the prisoner on that ground, the court may, notwithstanding, continue him in confinement. Too much praise cannot be ascribed to the founders and patrons of these, and other useful charities. If there be vices which inflict their own punishment, there are also virtues which dispense their own rewards, and receive the veneration of the present age, the benediction of posterity, and the smiles of approving heaven.

Judging from the reports of the Adjutant General, and the Commissary General, made at the last session, I have reason to believe that the state of our militia and arsenals is flourishing. The importance of these objects entitles them to cordial and vigilant cultivation. A respectable portion of our fellow-citizens, recommended to our favourable notice by their virtuous lives, exemplary habits of industry, and their zealous co-operation in all benevolent undertakings, are conscientiously opposed to bearing arms, and to the payment of fines imposed for non-attendance in the militia. A complete relief can only be effected by the interposition of Congress, or by an alteration of the constitution: and that it ought to be granted, I entertain no doubt. A sufficient equivalent is already rendered to the state by the exclusive support of their own poor, besides their full participation in the maintenance of the poor in general. In this enlightenened age, when the rights of man are fully understood, and practically asserted, it is surely not compatible with the tolerant and liberal spirit of the times, to wound the consciences of unoffending fellow-men. At all events, it lies in your power to guard against abuses in the penal inflictions which it is believed have, in some instances, been carried to oppressive lengths.

During your session, you will be called upon to elect a senator of the United States. I need not enforce the consideration which will naturally occur to you on this interesting occasion, nor urge the expediency of selecting a person of great experience in public affairs, of approved capacity, of unquestionable fidelity, and of distinguished public services. Such a representative is alone worthy of the state, and is required by the true interests of the Union.

The reception of General La Fayette has been equally honourable to him and to the nation. It has illustrated the good feelings of the people, rescued free governments from a standing reproach, and inculcated a great moral lesson on the world. The merits of this illustrious man are embodied in the leading events of his well-spent life, and recorded in the faithful pages of history. Although one of the privileged orders of France, he embarked his fortune, his character, and his life, in the cause of our Republic, and in the very crisis of its fate. During the revolutions which have subsequently agitated Europe, he has been uniformly the intrepid, the faithful friend of freedom, neither turning to the right nor to the left, but marching onward in the great cause of principle, defying the denunciations of jacobins, and encountering the frowns of tyrants. During his short residence in this state, he was received by our chief magistrate, by our municipal authorities, and by the great body of the people, with distinguished respect. His old companions in arms, the war-worn soldiers of the revolution, and the venerable patriots of the times that tried men's souls, gathered around their friend, and the generations that had sprung up in his absence, hailed him as the champion of liberty, and the benefactor of the human race. It remains for the legislature to unite in the general voice, and to adopt measures suitable to the occasion, and worthy of the state. The recent demonstrations of national gratitude reflect honour to the source, and render justice to the object, and are cheering to the hearts of the American people.

The most friendly feelings, I have reason to believe, exist between this state and the other members of the confederacy, which, I hope, will ever prevail to the utter exclusion of sectional jealousies and geographical prejudices. Our controversies about jurisdiction and territory, have been definitively settled with all, except the state of New-Jersey—and seeing no reason why an amicable adjustment on the most honourable terms should not be effected, I earnestly recommend that provisions be made for the purpose, in accordance with the law passed by that patriotic state, which I shall cause to be laid before you.

The protection of our great commercial emporium from pestilential disease is essential to the general welfare. I sincerely hope that the prejudices which have sometimes arrayed in contention with each other, country and city interests, will be for ever dismissed, as unworthy of the good sense and good feelings of the community, and that the prosperity of each, will be considered the

prosperity of both. Our Quarantine laws ought to be executed with vigilance and energy, and such improvements adopted, as will effectually guard against danger from abroad: for on any theory that has been suggested, a precautionary system is necessary, whether malignant or yellow fever is propagated by specific contagion, or introduced by the deleterious state of vessels and cargoes.

The police of the city of New-York is excellent in relation to crimes; but in reference to health, it has no distinguished merit. Without good water, there cannot be good health: and no effectual provision has been made for that object. It may be laid down as an incontrovertible truth, that no dense population can furnish from within its own limits, an adequate supply of this indispensable accommodation, with reference to quality and quantity. As there is nothing to prevent your favourable interposition, I trust that you will dispense it with a liberal hand, to all laudable attempts, whether by the local government, by private associations, or by enterprising individuals, to furnish a sufficiency not only for all domestic purposes, but for public baths, for cleansing the streets, and for the general purification of the city.

An annual law is generally passed authorizing certain aliens by name, to take, hold, and dispose of real estate, in like manner as natural born citizens. Such a provision is proper, and operates as an encouragement to wholesome emigration. But may not this object be more effectually and comprehensively attained by passing a general law empowering under certain restrictions resident aliens to enjoy similar privileges?

Our legal rate of interest for money was established at a remote period, and is one per cent. higher than in some of the most flourishing states. Your attention to a suitable reduction may be of great benefit to the public.

The mercantile interest are greatly aggrieved by the law relative to merchants and factors or agents as recognised in England, transferred to this country, and incorporated into our judicial decisions. The parent case on this subject was laid down by Lord Chief Justice Lee, in 1742, and may be found under the head of Patterson vs. Tash, in the second volume of Strange's Reports. Although the facts of the case do not appear, and the adjudication itself is exhibited in a suspicious shape, yet it has been implicitly and servilely adopted. And it is now considered as settled law, that if a factor pledges the goods of his principal, the person who has advanced money upon them in ignorance of his being a factor, cannot hold the goods as a security for his advances. And another rule equally exceptionable has been established, namely, that the factor cannot bind his principal in cases in which the bona fide purchaser can have no means of discovering the extent of his authority, or the fact of his not being a principal. This law is different from that of France, Russia, Austria, Spain, the Hanse-towns, Holland, and indeed of almost all Europe, and is found to be so pernicious in its operations in Great Britain, that a bill has passed the House of Commons, and will probably become a law, confor-

mably to the general sense of commercial countries.—In mercantile arrangements, it frequently occurs that there are several advances made between the shipment and sale of commodities, by the foreign shipper or consignor to the foreign proprietor, by the consignee to the consignor, who is himself a factor, and by some capitalist to the factor, in consequence of a difficulty in finding a ready and advantageous sale.—All these arrangements for the convenience of commerce are impeded, jeopardized, and frequently frustrated by the existing law; and our merchants are now placed in a most peculiar position. Laws operating injuriously on individuals and on commerce, and founded solely on British precedents, continue in force with us, while Great Britain has found the same laws so inconvenient and unwise, that her parliament has passed one statute and is about to pass another for correcting the evil.

Our laws in relation to the estates of intestates and testators are of similar origin, and operate in many cases injuriously on the claims of justice and the interests of society. Why should there not be a pro rata dispensation of payments to all bona fide creditors, without any reference to specialties or other preferences, as now recognised? And might not salutary rules be adopted to enforce the prompt settlement of estates, and to sanction the probate of wills, without encountering the expense and delay, which are now just subjects of complaint? Indeed the whole system of our jurisprudence requires revisal, arrangement, and correction. A complete code founded on the salutary principles of the common law, adapted to the interests of commerce and the useful arts, the state of society, the nature of our government, and embracing those improvements which are enjoined by enlightened experience, would be a public blessing. It would free our laws from uncertainty, elevate a liberal and honourable profession, and utterly destroy judicial legislation, which is fundamentally at war with the genius of representative government.

You will excuse me for adverting to a subject of a delicate nature, but which is so very important that I cannot, consistently with my sense of duty, pass it over in silence. The mixture of incongruous subjects in the same bill, has always been considered an unsound mode of legislation. Every provision ought to stand on its own merits, and it should consequently be unconnected with irrelevant matter. On the last reading, the final question is taken on the whole bill. When compounded of various matters, it may be improperly forced into a law by the variety and extension of the interests which it propitiates. At one time this mode of heterogeneous legislation was carried so far that the council of revision during the administration of my venerable relative, objected to a bill on that account. The practice was partially discontinued for a time, but it has since been pursued in a bill necessary to be passed at the close of every session, called a supply bill, and which sometimes contains provisions entirely misplaced. But this procedure is not so pernicious as a novel practice which has been introduced since the adoption of the present constitution, in relation to certain

bills which cannot become laws without the sanction of two-thirds of each branch of the legislature. It was formerly laid down as a sound rule of legislation, that after a bill was rejected, it should not be reintroduced the same session; and that after one reconsideration, a proposition should be viewed as its termination. The object of these regulations was to guard against an unnecessary waste of time, to promote economy, and prevent the introduction of practices incompatible with purity and good order, and injurious to the harmony of the legislature. What is well considered does not require frequent reconsideration. The fair object of the latter is to introduce new light, and to present impressive facts and considerations which had not been suggested or known in due season. For the last two sessions of the legislature, if I am rightly informed, it has been customary, after the rejection of a bill on the third reading, for the want of the requisite two-thirds of the members, to move for and obtain frequent reconsiderations. By this means a number of bills of the same kind are accumulated for passing, and the object for which a reconsideration is granted, is thus defeated. The end in such case is to obtain a favourable decision by the force of combination. A number of bills are brought up at one time, contending for priority; but after the order of precedence is arranged, the pioneer bill, if successful, opens a passage for its associates, and they follow triumphantly in its train. If unsuccessful, then they are postponed to a more favourable opportunity. Is it too much to say that dangerous precedents have been established? that bills have passed by the force of their associates, not by their merits? and that public confidence is shaken in the purity of such proceedings? After this exposition, it is due to the respect which I entertain for your integrity, patriotism, and intelligence, to express my conviction that you will discourage practices so injurious to just legislation, and derogatory from the public welfare.

Having already trespassed on your time, I shall reserve for future communication such other subjects as may be deemed worthy of your consideration.

The causes which led to our divisions and distractions, no longer predominate. We are emancipated from the thraldom of a system of patronage which formed a component part of our former constitution, and whose direct tendency and inevitable operation were to agitate the community with incessant convulsions; to make personal gratification the standard of political orthodoxy; to render the state the victim of political machinations at home and from abroad: and to convert the very favours conferred by its bounty, into the instruments of its vassalage and degradation.—With a full view of these evils, I recommended at an early period, a different arrangement of the appointing power. The patronage once vested in a council of appointment is now diffused; and political power, which under the former order of things, was in many respects concentrated in petty aristocracies, and wielded by factious

combinations, has been in a great measure restored to its authentic source, the great body of the people. That abolition, and that restoration, have dissolved the union between personal interest and political subserviency. The people rising in the majesty of their power, above the debasing trammels of names, and the obnoxious dictations of combinations, have sustained and vindicated a system of disenthralled and independent suffrage. And the auspicious influence of this magnanimous course will be witnessed in the independence and purity of the elective franchise, in the talents and integrity of our legislative assemblies, and in the correspondent estimation of the state with our sister republics, and in the councils of the Union. We possess a territory of great extent; a soil of inexhaustible fertility; a climate of undoubted salubrity; subterranean wealth almost boundless; incalculable extent of manufacturing power; positions for prosperous commerce unsurpassed upon the globe; vast public property in lands, stocks, and canals; a flourishing treasury; a prospective and certain revenue of millions; a system of laws under which the rights of persons and of property are secured, and still susceptible of great improvements. And above all, may we not say without arrogance and without flattery, that our population is religious, moral, industrious, intelligent, enterprising, high-spirited, profoundly conscious of its rights, its duties, and its blessings; with the principles and feelings of freedom engrafted into its moral and physical being? Enjoying, as we do, these transcendent blessings, it remains for ourselves to determine whether we are worthy of the career which the Author of all good has opened to us; whether we have wisdom and virtue enough to become what he has given us means, and indicated as his wish, that we should become, a main pillar in the great and glorious fabric of freedom and social happiness, reared by the valour, established by the wisdom, and cemented by the blood of our fathers; blessing as we are blessed, and ministering as we are ministered unto;—or whether we are to prove recreant to these elevated and imperative duties, and by wasting our strength and sullying our character in petty cabals, intrigues, and local agitations, commencing in folly and terminating in disgrace, we cast away the rich bounties of Heaven, undermine our own prosperity, and retard the establishment of principles associated with the exalted destinies of freedom, and identified with the primary interests of the human race.

DE WITT CLINTON.

Albany, 4th January, 1825.